



Vietnam

Country Reports on Human Rights Practices - [2003](#)

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Vietnam is a one-party state, ruled and controlled by the Communist Party of Vietnam (CPV). The CPV's constitutionally mandated leading role and the occupancy of all senior government positions by party members ensured the primacy of Politburo guidelines and enabled the party to set the broad parameters of national policy. In recent years, the CPV gradually reduced its formal involvement in government operations and allowed the Government to exercise significant discretion in implementing policy. The National Assembly remained subject to CPV direction; however, the Government continued to strengthen the capacity of the 498-member National Assembly and to reform the bureaucracy. The National Assembly members were chosen in May 2002 elections in which candidates were vetted by the CPV's Vietnam Fatherland Front (VFF), an umbrella group for the country's mass organizations. Approximately 90 percent of elected delegates were CPV members. However, the National Assembly continued to play an increasingly independent role as a forum for local and provincial concerns and as a critic of local and national corruption and inefficiency and made progress in improving transparency in the legal and regulatory systems. The judiciary was subject to the influence of the CPV and the Government.

Internal security is primarily the responsibility of the Ministry of Public Security (MPS); however, in some remote areas, the military forces are still the primary government agency, providing infrastructure and all public safety functions, including maintaining public order in the event of civil unrest. Since 2001, the military has played a large role in the Central Highlands by enforcing restrictions on gatherings, detaining individuals, and enforcing travel restrictions. The MPS controls the police, a special national security investigative agency, and other units that maintain internal security. The MPS enforces laws and regulations that often significantly restrict individual liberties and violate other human rights. It also maintained a system of household registration and block wardens to monitor the population, concentrating on those suspected of engaging, or being likely to engage in, unauthorized political activities; however, this system has become less obvious and pervasive in its intrusion into most citizens' daily lives. While the civilian authorities generally maintained effective control of the security forces, there were reports that elements of the security forces acted independent of government authority. Members of the public security forces committed numerous human rights abuses.

The country of approximately 80 million persons is undergoing transition from a wholly central planned economy to a "socialist-oriented market economy." During the year, the Gross Domestic Product growth rate was approximately 7 percent and the inflation rate approximately 2.2 percent at year's end. The agriculture, forestry, and fishery sectors employed 62.5 percent of the labor force and accounted for 23 percent of total economic output. Industry and construction contributed 38.5 percent of total economic output, while services accounted for 38.5 percent. During the year, official development assistance disbursements exceeded \$1.4 billion. In the last 10 years, overall poverty levels decreased significantly; as of 2002, approximately 30 percent of the population lived below the poverty line. Particularly in Ho Chi Minh City and Hanoi, economic reforms have raised the standard of living and reduced CPV and government control over, and intrusion into, citizens' daily lives; however, many citizens in isolated rural areas, particularly members of ethnic minorities in the Northwest Highlands, Central Highlands, and the central coastal regions continued to live in extreme poverty. There was a growing income and development gap between urban and rural areas and within urban areas. Unemployment and underemployment remained significant problems. The Government made significant steps in improving legal transparency for businesses. In December 2002, the National Assembly amended the Law on the Promulgation of Legal Normative Documents, which required most legal documents be published in the Official Gazette. On July 1, to meet this requirement, the Official Gazette became a daily publication, from six issues per month previously.

The Government's human rights record remained poor, and it continued to commit serious abuses. The Government continued to deny the right of citizens to change their government. Police sometimes beat suspects during arrests, detention, and interrogation. Several sources also reported that security forces detained, beat, and were responsible for the disappearances of persons during the year. Incidents of arbitrary detention of citizens, including detention for peaceful expression of political and religious views, continued. With some exceptions, prison conditions remained harsh, particularly in some isolated provinces, and some persons reportedly died as a result of abuse in custody. Prisons usually required inmates to work for little compensation and no wages. The judiciary was not independent, and the Government denied some citizens the right to fair and expeditious trials. The Government continued to hold a number of political prisoners. The Government restricted citizens' privacy rights, although the trend toward reduced government interference in the daily lives of most citizens continued. The Government significantly restricted freedom of speech, freedom of the press, freedom of assembly, and freedom of association. The Government continued its longstanding policy of not tolerating most types of public dissent and stepped up efforts to control dissent on the Internet. Security forces continued to enforce restrictions on public gatherings and travel in some parts of the

country, primarily in the Central Highlands and the Northwest Highlands. The Government allowed elected officials and ordinary citizens in approved forums somewhat greater freedom of expression and freedom of assembly to express grievances. The Government prohibited independent political, labor, and social organizations; such organizations existed only under the control of the VFF. The Government restricted freedom of religion and operation of religious organizations other than those approved by the State. In particular, Buddhists, Hoa Hao, and Protestants active in unregistered organizations faced harassment as well as possible detention by authorities. The Government imposed some limits on freedom of movement of particular individuals whom it deemed threatening to its rule. Access to the Central Highlands by foreign observers improved from 2002, but visitors to the area were generally monitored and often accompanied by security officials. The Government continued to restrict significantly civil liberties on grounds of national security and societal stability. The CPV continued its efforts to strengthen the mechanism for citizens to petition the Government and for victims of injustice to obtain compensation. The Government did not permit human rights organizations to form or operate. Violence and societal discrimination against women remained problems. Child prostitution was a problem. Government and societal discrimination against some ethnic minorities continued to be problems. The Government restricted some core worker rights, such as freedom of association, although the Government cooperated with the International Labor Organization (ILO) and international donors to improve implementation of the Labor Law. There were reports that children worked in exploitative situations. The Government recognized child labor as a problem and attempted to address it. Trafficking in women and children for the purpose of prostitution within the country and abroad continued to be a serious problem, and there were reports of the trafficking of women to China and Taiwan for arranged and forced marriages.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary and Unlawful Deprivation of Life

There were no political killings during the year; however, there were reports of killings by security forces. In July, police in Xin Man District, Ha Giang Province, reportedly beat to death then threw into a stream Vang Seo Giao, a former CPV member who had converted to Christianity, for refusing to renounce his Protestant faith. Police also reportedly beat to death another Protestant, Mua Say So, for criticizing the Government over the alleged killing of his brother, Mua Bua Seng. In September, police in Nam Dinh Province beat to death Tran Minh Duc who had been detained following a domestic dispute. There were no reports of action taken against officials involved in any of these killings. During the year, police in Quang Nam Province reportedly tortured Nguyen Ngoc Chau to death while questioning him on murder charges. The Supreme People's Procuracy requested prosecution for the three police officers implicated in the killing; the case was pending at year's end.

Two police officers in Vinh Phuc Province charged in the January 2002 torture death of Khong Van Thoi still were awaiting trial at year's end. Two prison guards charged in the September 2002 killing of a prison inmate in Hai Duong Province, Pham Van Dung, also were awaiting trial for manslaughter at year's end.

b. Disappearance

There were credible reports that some members of ethnic minorities in the Central Highlands and Northwest Highlands who were either arrested or detained did not return to their families.

In August, the People's Court of Ho Chi Minh City notified the family of Pham Van Tuong, a former Unified Buddhist Church of Vietnam (UBCV) monk known as Thich Tri Luc until he secularized in 1997, that he was imprisoned in Ho Chi Minh City awaiting trial on unspecified charges. In July 2002, Tuong reportedly was forced to return to the country from Cambodia, where he had been granted UNHCR refugee status. The court postponed his trial, originally scheduled for August 1; his family was not allowed to visit him, nor had a new trial date been set by year's end.

In August 2002, in M'Drak district, Dak Lak Province, police confronted 120 villagers attempting to prevent the detention of an ethnic minority Protestant pastor, Y Su Nie, and his two adult sons. After a confused altercation, the police arrested all 120 persons. Most of those arrested were released after a few days, but 20 to 30 of the villagers did not return to their villages. Police reportedly did not acknowledge detaining them. In October 2002, police reported that they had detained Y Su Nie and one other person.

Also in August 2002, in Dak Lak, police detained 240 persons at a house church meeting. Most of the detained were released within a few days, but 47 persons allegedly did not return to their families. Police did not admit to having detained them.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits physical abuse; however, police sometimes beat suspects while in the process of arresting them or while they were in custody. Police reportedly beat to death at least two suspects in detention in 2002 (see Section 1.a.).

There was no known action taken against two guards who reportedly beat and seriously injured an inmate at a prison in Hai Duong Province in August 2002.

Prison conditions reportedly were often harsh but generally did not threaten the lives of prisoners. During the year, as in 2002, visits by select diplomatic observers revealed Spartan but generally acceptable conditions in at least two prisons.

Men and women were housed separately in prisons. Juveniles were housed separately from adult populations. Overcrowding, insufficient diet, and poor sanitation remained serious problems in many prisons.

Prisoners, including those held for political reasons, were reportedly moved arbitrarily to solitary confinement, including deprivation of reading and writing materials, for periods of up to several months. Unlike in the previous year, there were no reports that some inmates were punished with harsh solitary confinement conditions during the year.

Pretrial detainees were generally held separately from convicted prisoners and were denied visitation rights. Consular officers were granted access to their citizen detainees but usually after a 4 to 8 week delay. Unlike in the previous year, there were no reports that conditions for pretrial detainees were harsher than conditions for those who were convicted and sentenced; however, pretrial detainees were sometimes not permitted access by lawyers and family members. Most prisoners had access to basic health care. Some political and other prisoners were denied visitation rights. Prisoners generally were required to work but received no wages (see Section 6.c.). Prisoners sentenced to hard labor complained that their diet and medical care were insufficient to sustain good health, especially in remote, disease-ridden areas. Although political and religious prisoners often were held under harsh conditions and with limited medical care in remote prisons, such as Z30a at Xuan Loc in an isolated part of Dong Nai Province, there was no evidence to suggest their conditions were significantly different than those for the regular prison population.

During the year, as in 2002, the Government permitted selected diplomatic observers to visit prisons; however, the Government did not allow the International Committee of the Red Cross (ICRC) to visit prisoners.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention; however, the Government continued to arrest and detain citizens arbitrarily. Some persons were arrested and detained for the peaceful expression of their political and religious views. In addition, several persons who were arrested or detained in 2002 reportedly did not return to their families (see Section 1.b.). The Criminal Code provides for various rights of detainees, including the right of the accused to have a lawyer present during interrogation; however, in practice the authorities sometimes ignored these legal safeguards. Moreover, a long-standing directive on administrative probation gives security officials broad powers to subject individuals to a form of house arrest, if they believe that a suspect is a threat to "national security" or even on less serious grounds, without trial.

The Criminal Code places a 12-month time limit on investigative detention; however, the Government sometimes detained persons for more than 1 year in that status. There is no legal limit on the time that a judge's panel (a body consisting of at least one judge and two lay assessors) has to rule on a case (see Section 1.e.); however, there is a 3-month limit for trying, dismissing, or returning a case for reinvestigation once the 12-month investigative period is ended. Prior to being formally charged, a detainee has a statutory right to notify family members, and, in most cases, police informed the family of the detainee's whereabouts. A detainee may contact a lawyer, prior to being charged, if permitted by the head of the investigating office. Following a formal charge, the detainee has a statutory right to contact an attorney; however, it was not clear that this right generally was respected in practice.

The Supreme People's Procuracy (the office which investigates cases and initiates public prosecutions) issues arrest warrants, generally at the request of police; however, police may make an arrest without a warrant on the basis of a complaint filed by any party alleging the commission of a crime. In such cases, the Procuracy must issue retroactive arrest warrants. Unless specifically authorized by an investigator, the MPS usually prohibited contact between a detainee and his lawyer as long as the procurator's office was investigating a case, which may last up to 1 year and may not entail any formal charges. Likewise, family members may visit a detainee only with the permission of the investigator. Time spent in pretrial detention usually counts toward time served upon conviction and sentencing.

Courts may sentence persons to administrative detention for a period of up to 5 years after release from prison. These provisions were enforced unevenly. Government officials used administrative probation to place persons under house arrest without trial for up to 2 years (see Section 2.d.). For example, at least three UBCV monks were sentenced to 2 years' house arrest in October and remained under house arrest at year's end.

Persons arrested for the peaceful expression of views were subject to charge under several provisions in the Criminal Code that outlaw acts against the State. On March 17, police detained democracy activist Dr. Nguyen Dan Que for providing information critical of the country to foreign journalists (see Section 2.a.). On June 18, a court in Hanoi sentenced Dr. Pham Hong Son to 13 years' imprisonment and 3 years' house arrest (see Section 2.a.). His sentence was reduced on appeal to 5 years' imprisonment. On December 31, Nguyen Vu Binh, a journalist who had been arrested in September 2002, was convicted of espionage by a court in Hanoi after he had criticized the country's border agreement with China and sent testimony on human rights issues in the country to a foreign government. Binh was sentenced to 7 years' imprisonment and 3 years' house arrest. Diplomats and foreign journalists were refused permission to attend either of the two trials.

Police picked up street children in Hanoi and Ho Chi Minh City and held them in juvenile detention facilities in advance of the

December Southeast Asia Games.

In 2002, activist Nguyen Khac Toan was sentenced to 12 years' imprisonment for disseminating articles critical of the Government on the Internet.

In December 2002, police detained democracy activists Pham Que Duong and Tran Van Khue (see Section 2.a.); at year's end, they had not yet been tried. In addition, up to 19 Hmong Protestant leaders, including Mua A Ho, Cu Van Long, and Sua Song Vu, may still be detained. It was unknown whether several persons reportedly detained in previous years have been tried, including: Vo Tan Sau, Phan Thi Tiem, and Tran Thi Duyen, Le Huu Hoa, Ma Van Chinh, and Lu Seo Dieu.

The Constitution does not provide for forced exile, and the Government did not use it.

e. Denial of Fair Public Trial

The Constitution provides for the independence of judges and lay assessors; however, in practice, the CPV controls the courts closely at all levels, selecting judges, at least in part, for their political reliability. Constitutional safeguards were significantly lacking. The CPV had strong influence over high profile cases and cases in which a person was charged with challenging or harming the CPV or the State. During the year, CPV and government officials likely exerted influence over court decisions by making clear their wishes to both the lay assessors and the judges who sat on a panel together to decide cases. The National Assembly votes for judicial nominees presented by the President for the Supreme People's Court (SPC) President and Supreme People's Procuracy. The National Assembly also controls the judiciary's budget, including judges' salaries, just as it controls the budgets and salaries of all other parts of the Government. Provincial and district governments disburse judges' salaries at their respective levels, just as they disburse the salaries of other local officials. The State President appoints all other judges, not the President of the SPC. This power is granted in the Constitution. In September 2002, the Government transferred local courts from the Ministry of Justice to the SPC, in an effort to increase judicial independence. There was no evidence that this change had any effect on the independence of the courts.

The system of appointing judges and lay assessors also reflected the lack of judicial independence. Court of First Instance Panels at district and provincial levels include judges and lay assessors, but provincial appeals courts and the Supreme People's Court are composed of judges only. People's Councils appoint lay assessors at the district and provincial levels. Lay assessors are required to have "high moral standards," but legal training is not necessary. District and provincial People's Councils appoint the lay assessors at the lower levels. The VFF must approve candidates for SPC lay assessors. The SPC President appoints the District People's Court and Provincial People's Court judges to 5-year terms. The SPC President also appoints SPC judges from candidates approved by a judicial selection panel under the influence of the CPV. The CPV's influence over the courts was amplified both because the People's Councils appointed the lay assessors, and because the judges served limited terms and were subject to review.

The judiciary consists of the Supreme People's Court; the district and provincial People's Courts; military tribunals; administrative, economic, and labor courts; and other tribunals established by law. Each district throughout the country has a district People's Court, which serves as the court of first instance for most domestic, civil, and criminal cases. Each province has a provincial People's Court, which serves as the appellate forum for district court cases, as well as courts of first instance for other cases. The SPC is the highest court of appeal and review. The SPC reports to the National Assembly. Administrative courts deal with complaints by citizens about official abuse and corruption.

Military tribunals operate under the same rules as other courts, but the Ministry of Defense (MOD) provides their funding. Tribunal judges and assessors are military personnel, chosen jointly by the SPC and the MOD but supervised by the SPC. The MOD is represented on the judicial selection panels, and the head of the military tribunal system is the deputy head of the SPC. A 2002 law gives military courts jurisdiction over all criminal cases involving military entities, including military-owned enterprises. The military has the option of using the administrative, economic, or labor courts for civil cases.

The VFF did not have any legal standing to settle legal issues itself. In addition, the CPV and the Government set up special committees to help resolve local disputes.

The Supreme People's Procuracy brings charges against the accused and serves as prosecutor during trials. A judging council, made up of a judge and one or more lay assessors, determines guilt or innocence and also passes sentence. Although the Constitution provides that citizens are innocent until proven guilty, a foreign legal expert who analyzed the court system during 2000 found that more than 95 percent of the persons who were charged with a crime were convicted. Some lawyers complained that judges generally presumed guilt.

There was a shortage of trained lawyers and judges and no independent bar association. At the Supreme Court level, there was a 20 percent shortage of qualified judges in 2002. According to a U.N. official, 30 to 40 percent more judges were needed at the provincial level. Low salaries hindered the development of a trained judiciary. The few judges who had formal legal training often studied abroad in countries with socialist legal traditions. Young educated judges usually had little influence within the system.

The Government conducted training programs to address the problem of inadequately trained judges and other court officials. A number of foreign governments and the U.N. Development Program (UNDP) provided assistance to strengthen the rule of law

and to develop a more effective judiciary; however, the lack of openness in the criminal judicial process and the continuing lack of independence of the judiciary undermined these efforts.

Although the Constitution provides for legal counsel for persons accused of criminal offenses, the scarcity of lawyers made this provision impossible to implement. With few qualified attorneys, the procurator often handled both the prosecution and the defense, resulting in legal counsel that frequently provided little help to the defendant. Consistent with its Marxist-Leninist political system, the Government required that the Bar Association be a member of the VFF. At the provincial level, the Bar Association was subordinate to representatives of the central Government, the VFF, the provincial People's Council, and the People's Committee.

Trials generally were open to the public; however, judicial authorities closed trials or strictly limited attendance in sensitive cases. Defendants have the right to be present at their trial and to have a lawyer. The defendant or the defense lawyer have the right to cross-examine witnesses; however, there were credible reports that defendants were not allowed access to government evidence in advance of the trial, to cross-examine witnesses, or to challenge statements. Lawyers reported that they often had little time before trials to examine evidence to be presented against their clients. Those who were convicted had the right to appeal. The courts did not publish their proceedings.

The Government continued to imprison persons for the peaceful expression of dissenting religious and political views. There were no reliable estimates of the number of political prisoners, because the Government usually did not publicize such arrests, rejected the concept of political and religious prisoners, and sometimes conducted closed trials and sentencing sessions. There were 14 prisoners known to be held for political reasons and 21 prisoners held for religious reasons. Other sources estimated that numbers could be much higher. Among those believed to be detained or imprisoned were political activists Dr. Nguyen Dan Que, Col. Pham Que Duong, Tran Van Khue, Tran Dung Tien, Pham Hong Son, Nguyen Vu Binh, Nguyen Dinh Huy (who reportedly was suffering from Parkinson's disease), Le Chi Quang, Nguyen Khac Toan, journalist Pham Thai, and religious persons Father Nguyen Van Ly, Ngo Van Thong, Pham Minh Tri, Le Minh Triet, Nguyen Chau Lang, Truong Van Duc, Bui Van Hue, Dinh Troi, Pham Van Tuong, Ho Van Trong, Ha Hai, Thich Thien Minh, Nguyen Thien Phung, Hoang Trong Dung, Nguyen Van Lia, Ly A Hu, and Ly A Cho.

The Government amnestied at least 750 prisoners during the year, but no political or religious prisoners were known to be among them; however, the Government reduced the sentences of at least 4 political prisoners during the year.

The Government claimed that it did not hold any political or religious prisoners and that persons described as political or religious prisoners were convicted of violating national security laws or general criminal laws. In February, local authorities released or commuted the sentences of 246 prisoners from Ho Chi Minh City's Chi Hoa and Bo La prisons for good behavior in advance of the Lunar New Year holiday. On the occasion of the September 2 National Day, local authorities amnestied an additional 544 prisoners in Hanoi, Haiphong, and Ho Chi Minh City, releasing 120 before the end of their prison terms and reducing the sentences of the remainder by 2 to 20 months. The Ministry of Foreign Affairs reported that none of the persons amnestied were listed as persons of concern by foreign governments or nongovernmental organizations (NGOs).

The Government did not allow access by humanitarian organizations to political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the right to privacy of home and correspondence; however, the Government restricted this right significantly. Household registration and block warden systems existed for the surveillance of all citizens but were used with less vigor and thoroughness than in the past and usually did not intrude on most citizens. The authorities largely focused on persons whom they regarded as having views critical of the Government or whom they suspected of involvement in unauthorized political or religious activities. Citizens formally are required to register with police when they leave home, remain in another location overnight, or when they change their residence, although this usually was honored in the breach; however, the Government appeared to have enforced these requirements in some districts of the Central Highlands and northwestern provinces. On August 18, police used that requirement to enter an illegal Protestant house church in Ho Chi Minh City, leading to an altercation that resulted in the brief detention of two church leaders. Most citizens who wished to move around the country to seek work or to visit family and friends were able to do so without being monitored, and most families who sought employment moved to other locations without prior government permission (see Section 2.d.). There continued to be reports that some "spontaneous migrant" families were unable to obtain household registration or residence permits in their new locations, which created legal and administrative problems. In urban areas, most citizens were free to maintain contact and to work with foreigners. In theory, the Government required that citizens who work for foreign organizations be screened and hired through a government service bureau. Laws governing foreign business enterprises are more lenient. In practice, many foreign organizations, including diplomatic missions, and enterprises hired their own personnel and only "registered" them with the service bureau or employment bureau.

Forced entry into homes is not permitted without orders from the Procuracy; however, in practice, security forces seldom followed this requirement but rather asked for permission to enter, with an implied threat to cooperate. In some cases, individuals refused to cooperate with such "requests." In urban areas, police generally left when faced with non-compliance. In one case in early October, security officers entered without permission a house in Gia Lai Province where a foreign diplomat was conducting a consular interview. The security officers harassed the occupants of the residence and later blocked the consular officer from entering residences in Dak Lak Province.

The Government opened and censored targeted persons' mail, confiscated packages and letters, and monitored telephone conversations, electronic mail, and facsimile transmissions. The Government cut the telephone lines of some targeted individuals and also repeatedly interrupted their cellular phone service. This practice appeared to be sporadic and was not applied consistently. The Government monitored e-mail, searched for sensitive key words, and regulated Internet content (see Section 2.a.).

The Government did not exercise forced resettlement; however, there were credible reports that the Government forced ethnic minority Protestants in the northwestern and Central Highlands provinces to leave their homes without providing them with alternative places to live. The Government also resettled some citizens to make way for infrastructure projects. By law, citizens were to be compensated in such cases, but there were widespread complaints, including from the National Assembly, that compensation was not fair or was delayed. The Government has acknowledged problems in past resettlement programs.

The Government enforced universal male conscription. Medical waivers were available, and students generally received deferments, as did others in special cases. Individuals who received deferments rarely were drafted. It was unknown whether there were differences in conscription rates between ethnic groups.

Citizens' membership in mass organizations remained voluntary but often was important for career advancement. Membership in the CPV remained an aid to advancement in the Government and in state companies and was vital for promotion to senior levels of the Government. At the same time, diversification of the economy made membership in CPV-controlled mass organizations and the CPV less essential to financial and social advancement. Opposition political parties were not permitted.

The Government continued to implement a family planning policy that urges all families to have no more than two children; this policy emphasized exhortation rather than coercion. The Government can deny promotions and salary increases to government employees with more than two children. Fines were not permitted under revised family planning regulations adopted during the year; officials claimed that fines were never a formal part of the family planning process.

In 2001, relatives of some individuals holding political viewpoints at variance with the Government lost their jobs with state-owned enterprises; however, most, if not all, found equivalent or better positions with private sector employers. No similar cases were known to have taken place in 2002 or during the year.

The Government interfered with distribution of foreign periodicals and access to satellite television (see Section 2.a.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and freedom of the press; however, the Government significantly restricted these freedoms in practice, particularly with respect to political and religious speech. Both the Constitution and the Criminal Code include broad national security and anti-defamation provisions that the Government used to restrict severely such freedoms. The CPV, the Government, and the party-controlled mass organizations controlled all print and electronic media. The Government exercised oversight through the Ministry of Culture and Information, supplemented by pervasive party guidance and national security legislation sufficiently broad to ensure effective self-censorship in the domestic media. During the year, the international NGO Reporters Without Borders claimed that Vietnam was among the 10 most repressive countries in the world regarding freedom of the press.

A press law required journalists to pay monetary damages to individuals or organizations harmed as a result of their reporting, even if the reports were true. Observers noted that this law limited the scope of investigative reporting. Several media outlets continued to test the limits of government press restriction by publishing articles that criticized actions by party and government officials; however, the freedom to criticize the CPV and its senior leadership remained restricted. Nonetheless, during the year, there were press reports about topics that generally were considered sensitive, such as the prosecution of high-ranking CPV officials in the trial of organized crime boss Nam Cam. The Government required officials to obtain approval from their ministry before providing any information to foreign journalists. Journalists must receive approval from their editorial offices before providing information.

The CPV and the Government tolerated public discussion on some subjects and permitted somewhat more criticism than in the past. The law allows citizens to complain openly about inefficient government, administrative procedures, corruption, and economic policy. Senior government and party leaders traveled to many provinces to try to resolve citizen complaints. However, on January 29, the Hanoi People's Court sentenced four persons to jail terms ranging from 24 to 42 months after they disseminated to all 61 provinces and the National Assembly letters denouncing local land clearance policies. On August 22, a court in Dong Nai Province sentenced four persons to prison terms of 30 to 42 months for inciting fellow farmers to voice complaints over provincial land use policies.

The Government continued to prohibit free speech that questioned the role of the CPV, criticized individual government leaders, promoted pluralism or multiparty democracy, or questioned the Government's policies on sensitive matters such as human rights or the border agreement with China. There continued to be an arbitrary line between what constituted private speech about sensitive matters, which the authorities would tolerate, and public speech in those areas that they would not tolerate. On

March 17, police detained democracy activist Dr. Nguyen Dan Que on espionage charges for providing information to foreign journalists. At year's end, he remained in detention in Ho Chi Minh City, and his family was prohibited from visiting him. On June 18, a court in Hanoi sentenced Dr. Pham Hong Son to 13 years' imprisonment and 3 years' house arrest in a closed trial on espionage charges after he translated a number of English-language articles about democracy and posted them on the Internet. On August 26, an appeals court reduced the sentence to 5 years. In 2002, police repeatedly summoned democracy activist Nguyen Vu Binh, a former journalist, for questioning. He was under close police surveillance for several weeks thereafter before being summoned for questioning again and detained in 2002. On December 31, he was tried, convicted of "espionage," and sentenced to 7 years in prison and 3 years' administrative detention (see Section 1.d.). In 2001, biologist Ha Sy Phu, who was cleared on earlier charges of treason, was placed under administrative probation for writing articles calling for democracy. His administrative probation expired in March.

Since 2001, several democracy activists have had their telephone service disconnected. In 2002, before his December 2002 detention, retired Colonel Pham Que Duong was called in for questioning for several consecutive days and had his cell telephone service cut at least three times in 2002. In December 2002, police detained Duong in Ho Chi Minh City just after he concluded a visit to fellow activist Tran Van Khue. A day later, police came to Khue's house, detained him, and took away his computer and other materials. Khue and Duong had identified themselves as spokespersons for a number of other activists. Both Khue and Duong were in pretrial detention at year's end. Before his arrest on March 18, Nguyen Dan Que continued to call for democracy and respect for human rights, but authorities interfered with his ability to communicate by cutting off his cellular telephone service intermittently, shutting off his land line, and restricting his access to the Internet and e-mail for more than 2 years. Police monitored him closely and questioned him periodically until his March arrest. Que was in pretrial detention at year's end.

On July 17, the Government reduced by 5 years the cumulative 15-year sentences imposed on Catholic priest Thaddeus Nguyen Van Ly in 2001 for "damaging national unity." In 2001, Father Ly had submitted written testimony critical of the Government to the U.S. Commission on International Religious Freedom and frequently spoke out for political pluralism and complete religious freedom. On September 10, the Ho Chi Minh City People's Court sentenced Father Ly's niece, Nguyen Thi Hoa, and two nephews, Nguyen Truc Cuong and Nguyen Vu Viet, to sentences ranging from 3 to 5 years' imprisonment for communicating information on his activities to foreign journalists. On November 28, the Ho Chi Minh Court of Appeals reduced the sentences of the three siblings, resulting in their release for time served.

The Government restricted persons who belonged to unofficial religious groups from speaking publicly about their beliefs (see Section 2.c.).

Some persons who expressed alternative opinions on religious or political issues were not allowed to travel abroad (see Section 2.d.).

Published reports on high-level government corruption and mismanagement became more common in recent years. Local newspapers devoted extensive coverage to the trial of the Nam Cam organized crime gang, with links to three high-level government officials, two of whom were members of the CPV Central Committee before their expulsions in 2002. The Government restricted coverage when it deemed that the scandal was receiving too much publicity and revealing too many sensitive points. Many newspapers ignored the CPV's instructions not to report on the case, resulting in strong rebukes. During the year, the editor-in-chief of Tuoi Tre, who presided over the newspaper during reporting on the Nam Cam trial, was transferred to the newspaper's real estate management group.

In 2002, the Government criticized reporters for what it considered sensationalized reporting on a major fire in Ho Chi Minh City. In December 2002, the Ministry of Culture and Information revoked the press identity cards of four reporters. Three of the reporters, Tran Ngoc Tuan of Tien Phong magazine, Dang Thanh Hai of Thanh Nien newspaper, and Nguyen Minh Son of Nguoi Lao Dong newspaper, filed what the Government claimed were inaccurate reports about Danang police beating citizens to the point of severe injury. A fourth reporter, Bui Ngoc Cai of Gia Dinh Va Xa Hoi newspaper, reported that a police major general had said that the Government might punish ministerial level officials for corruption. All four journalists had their press cards returned to their employers in October.

In 2002, the Government unexpectedly blocked press access to the foreign-funded, scientific Conference on Environmental and Human Health Effects of Agent Orange in Hanoi. The Government did not allow foreign journalists to attend sessions and restricted domestic journalists to the opening and closing sessions. At year's end, nearly 1½ years later, the conference papers had not been translated or distributed.

The Government generally required religious publishing to be done through one government-owned religious publishing house; however, some religious groups were able to print their own materials or import materials, subject to government approval (see Section 2.c.).

Foreign language periodicals were widely available in cities; however, the Government occasionally censored articles about the country. The Government sometimes delayed availability of a foreign periodical, apparently because of articles on sensitive topics. The Government generally did not limit access to international radio, except to Radio Free Asia and the Far East Broadcasting Corporation, which it continued to jam.

Foreign journalists must be approved by the Foreign Ministry's Press Center and must be based in Hanoi. The number of

foreign staff allowed to each foreign media organization was limited, and most local staff who worked for foreign media were provided by the Foreign Ministry. The Press Center monitored journalists' activities and decided on a case-by-case basis whether to approve their interview, photograph, film, or travel requests, all of which in principle must be submitted 5 days in advance. The Press Center refused several travel requests, particularly for travel to the Central Highlands, although it did allow two journalist groups to visit the Central Highlands during the year. By law, foreign journalists are required to address all of their questions to other government agencies through the Foreign Ministry, although it appeared that this often was not followed in practice. Foreign journalists generally received visas valid for 6 months. One journalist was unable to renew his visa during 2002, and two journalists received visas for shorter than usual terms in 2001. There were no such reports during the year.

In past years, the Government censored television footage and sometimes delayed export of footage by several days. During 2002 and this year, such censorship was not known to have occurred, although regulations continued to allow the Government to screen such footage. The law limits access to satellite television to top officials, foreigners, luxury hotels, and the press; however, the law was not enforced uniformly, and an increasing number of persons in urban and some rural areas had access to censored television footage via home satellite equipment or cable. In 2002, following a visible increase in individual satellite dishes set up in conjunction with the World Cup soccer competition, the Government issued a new decree in an attempt to enforce this requirement more stringently; however, that decree appeared to go largely unenforced.

The Government censored art exhibits, music, and other cultural activities. However, the Government generally allowed artists broader latitude than in past years in choosing the themes for their works, although artists were not allowed to exhibit works of art that censors regarded as criticizing or ridiculing the Government or the CPV. Many artists received permission to exhibit their works abroad, receiving exit permits to attend the exhibits and export permits to send their works out of the country.

Foreign language editions of some banned books, such as Duong Thu Huong's *Memories of a Pure Spring*, were sold openly by street peddlers, and Bao Ninh's previously banned book, *Sorrow of War*, was available in bookstores in Vietnamese language editions. In one notable exception, the press launched a campaign to denounce well-known actor Don Duong for his roles in the films "Green Dragon" and "We Were Soldiers Once." The articles described the actor as a traitor and called for his arrest and detention. The Government also prevented actor Don Duong from traveling abroad for periods of time during the year (see Section 2.d.); however, it did eventually allow him and his family to emigrate to the United States.

The Government allowed access to the Internet through 6 Internet Access Providers (IXPs) and 13 Internet Service Providers (ISPs); however, all IXPs were required to be State-owned, or are joint-stock companies with the State as controlling shareholder. All IXPs leased Internet access through the country's largest access provider, Vietnam Data Communications (VDC). The Ministry of Post and Telematics reported that the country had 650,000 Internet subscribers and roughly 2,660,000 Internet users. The price of computers relative to the country's income level limited home use, but universities and approximately 4,000 cyber cafes allowed students and many other persons wider access to the Internet.

VDC was authorized by the Government to monitor the sites that subscribers access. The Government used firewalls to block sites it deemed politically or culturally inappropriate, including sites operated by exile groups abroad. The Government restricted access to the Radio Free Asia and Voice of America websites during the year. In 2002, the Government instructed cyber cafe owners to monitor their customers to discourage citizens from accessing sites containing anti-government material as well as pornography; however, such monitoring appeared uncommon.

In August 2002, the Government inspected a large number of Internet cafes to determine whether persons were accessing blacklisted sites. Also in August 2002, the Government closed a company that provided an online news service because it carried articles not allowed under the Press Law. In 2002, the Government required all owners of domestic web sites, including those operated by foreign entities, to register their sites with the Government and to submit their web site content to the Government for approval.

The Government restricted academic freedom, and foreign field researchers often were questioned and monitored. However, the Government permitted a more open flow of information within the country and into the country from abroad, including in the university system, than in previous years. Local librarians increasingly were being trained in professional skills and international standards such as the Dewey Decimal System that supported wider international library and information exchanges and research. Foreign academic professionals temporarily working in universities were allowed to discuss nonpolitical issues widely and freely in classes; however, government observers regularly attended classes taught by both foreigners and citizens. Foreign government informational materials of a non-political nature distributed to participants at a library conference in Hue were confiscated from participants by security officials. Some research institutions insisted that their faculty members receive permission to attend official professional programs on diplomatic premises or use diplomatic research facilities. Security officials frequently questioned those who regularly used diplomatic facilities concerning their relationship to foreign governments. Nevertheless, requests for materials from foreign research facilities increased. Academic publications usually reflected the views of the CPV and the Government.

b. Freedom of Peaceful Assembly and Association

The right of assembly is restricted in law, and the Government restricted and monitored all forms of public protest. Persons who wish to gather in a group are required to apply for a permit, which local authorities can issue or deny arbitrarily. In general, the Government did not permit demonstrations that could be seen as having a political purpose. Persons routinely gathered in informal groups without government interference; however, the Government restricted the right of some religious groups to

gather in worship. The Government tried and sentenced some persons for protests over land use policies and expropriations (see Section 2.a.).

In February and March, there were numerous peaceful protests, mostly by students, organized across from a foreign embassy in Hanoi. Police maintained order but did not otherwise interfere or insist on permits.

On April 23, two men were sentenced to prison in Ho Chi Minh City for "creating social disorder" and destroying government property for inciting a dozen persons to attack a local site-clearance office in a dispute over land expropriation.

In October, a court in the Central Highlands Province of Dac Lak sentenced four ethnic minority persons arrested in connection to the 2001 unrest in the Central Highlands--Y Kuo Bya, Y He E Ban, Y Jon Enuol, and Y Bri Enuol--to prison terms of 13, 12, 11, and 10 years respectively.

In 2002 and during the year, there were a number of peaceful protests of up to 50 persons, mostly older rural women, over land use issues. The protests took place outside government and CPV office buildings, the Prime Minister's residence, and the National Assembly hall in Hanoi. On one occasion, police firmly, but nonviolently and respectfully, moved the protesters away from the Prime Minister's residence

In December 2002, the Nam Dinh Provincial People's Court sentenced 10 people to prison for sentences of 18 months to 5 years for their role in protests in 2000 related to corruption and agricultural land use taxes. Also in December 2002, the Ha Tay provincial court sentenced 22 individuals to terms of 6 months to 9 years related to their participation in April 2002 protests concerning land disputes and official corruption.

In December 2002, there were reports that police forcibly dispersed one or more religious gatherings of Hmong Christians (see Section 2.c.).

In November 2002, hundreds of farmers clashed with local authorities in Ha Tay Province over land seizures, allegedly injuring six or seven policemen. No trials were known to have taken place linked to this incident.

The Government restricted freedom of association. The Government prohibited the legal establishment of private, independent organizations, insisting that persons work within established, party-controlled mass organizations, usually under the aegis of the VFF. Citizens were prohibited from establishing independent political parties, labor unions, and religious or veterans' organizations; however, some entities, particularly unregistered religious groups, were able to operate outside of this framework with little or no government interference (see Section 2.c.).

In September 2001, Tran Van Khue and Colonel Pham Que Duong sent a letter to the party and government leadership seeking permission to form a "People's Association to support the Party and State to fight corruption." Police sent Khue and Nguyen Thi Thanh Xuan from Hanoi back to their residences in Ho Chi Minh City. The People's Association later set up a web site, which the Government did not block, that included contact information, the petition, other documents written by various democracy activists, and a bulletin board where several individuals recorded their reactions to the proposal. In October 2002, the Government placed Khue under a 2-year administrative detention order--a form of house arrest. In December 2002, Khue was arrested, and he was still awaiting trial at year's end.

c. Freedom of Religion

The Constitution and government decrees provide for freedom of worship; however, the Government continued to restrict significantly those organized activities of religious groups that it declared to be at variance with state laws and policies.

According to credible reports, the police arbitrarily detained persons based upon their religious beliefs and practice, particularly in the mountainous, ethnic minority areas. There were credible reports that Hmong Protestants in several northwestern villages and various ethnic minority Protestants in the Central Highlands were pressured to renounce their faith. There were also reports that a few Protestants in those areas were beaten and killed (see Section 1.a.).

The Government required religious groups to be registered and used this process to control and monitor church organizations. The Government officially recognizes Buddhist, Roman Catholic, Protestant, Hoa Hao, Cao Dai, and Muslim religious organizations. To obtain official recognition, a group must obtain government approval of its leadership and the overall scope of its activities. The Government's approval process was slow and non-transparent. Officially recognized religious organizations were able to operate with varying degrees of freedom throughout the country, and followers of these religious bodies were usually able to worship without government harassment, except in some isolated provinces. Officially recognized organizations had to consult with the Government about their religious operations and appointments, although not generally about their tenets of faith. Some leaders of the pre-1975 Buddhist and Hoa Hao religious bodies unsuccessfully requested official recognition of their organizations. Their activities, and those of the unregistered Protestant house churches, were considered illegal by the authorities, and they sometimes experienced harassment as a result. The Government actively discouraged contacts between the illegal UBCV and its foreign supporters, and between unofficial Protestant organizations, such as the underground house churches, and their foreign supporters, although such contacts continued.

The Government generally allowed persons to practice individual worship in the religion of their choice, and participation in religious activities throughout the country continued to grow significantly. In some areas, including Ho Chi Minh City, local officials generally allowed unregistered religious organizations to hold services with little or no interference.

In some cases, particularly involving Hmong Protestants, when authorities charged persons with practicing religion illegally, they used provisions of the Criminal Code that allow for jail terms of up to 3 years for "abusing freedom of speech, press, or religion." The Criminal Code establishes penalties for "attempting to undermine national unity" by promoting "division between religious believers and nonbelievers." There were reports that officials fabricated evidence. Government officials denied allegations that Protestant house churches were destroyed or disbanded during the year on the basis that the churches were unregistered and therefore illegal. On September 23, police reportedly destroyed a small Protestant house church in Ho Chi Minh City.

In the Northwest Highlands and the Central Highlands, local officials allowed believers little discretion in the practice of their faith. The Government sometimes prevented Protestants in the northwest provinces and the Central Highlands from gathering to worship in unregistered house churches, forcing them to worship secretly in small family groups.

The Government continued to harass members of the banned UBCV and prevent them from conducting independent religious activities, particularly outside of their pagodas. In early March, the Government allowed 83-year-old UBCV Patriarch Thich Huyen Quang to travel to Hanoi for surgery. Government officials, including Prime Minister Phan Van Khai and foreign diplomats, met with him during his stay. After his recovery, the Government permitted the Patriarch to reside at his former pagoda in Quy Nhon, Binh Dinh Province, rather than return to the pagoda in Quang Ngai Province where he had resided since 1982 under conditions resembling house arrest. On June 27, the Government released UBCV Deputy Thich Quang Do from 2 years of administrative detention several months ahead of schedule. Most of the UBCV leadership subsequently was able to meet with one another, diplomatic representatives, and government officials in Hanoi, Ho Chi Minh City, and Quy Nhon, despite some government interference. In September, UBCV leaders met in Binh Dinh in what church members characterized as a de facto re-establishment of the UBCV's right to existence. Security authorities intercepted several UBCV leaders leaving the meetings and returned them to their respective pagodas. At year's end, several UBCV leaders, including Thich Huyen Quang and Thich Quang Do, were residing in their pagodas and appeared able to travel only with permission of security authorities. Three Ho Chi Minh City-based UBCV monks, Thich Tue Sy, Thich Nguyen Ly, and Thich Thanh Huyen, were formally sentenced to 2 years' administrative detention and "compulsory surveillance."

The Vietnamese Roman Catholic Church hierarchy remained frustrated by the Government's restrictions but continued to accommodate itself to them. A number of clergy reported a modest easing of government control over church activities in certain dioceses during the year. In many locales, local government officials allowed Catholic Church officials to conduct religious education classes (outside regular school hours) and limited charitable activities; however, in other areas, officials strictly prohibited these activities.

Restrictions on the hierarchies and clergy of religious groups remained in place, and the Government maintained supervisory control of the recognized religions. Religious organizations were required to obtain government permission to hold training seminars, conventions, and celebrations outside of the regular religious calendar, to build or remodel places of worship, to engage in charitable activities, operate religious schools, and to train, ordain, promote, or transfer clergy. Religious organizations also were required to submit their "annual plans" and "schedules" for approval by local authorities. Many of these restrictions principally were exercised by provincial or city People's Committees, and treatment of religious persons varied widely by locality.

In general, religious groups faced difficulty in obtaining teaching materials, expanding training facilities, and expanding the clergy in training in response to the increased demand from congregations; the Government regulated the number of clergy that the Buddhist, Catholic, Protestant, Hoa Hao, and Cao Dai churches officially could train. On February 15, the Government allowed the Southern Evangelical Church of Vietnam (SECV), which was formally recognized in 2001, to open a seminary in Ho Chi Minh City. The Government restricted the number of seminarians to 50 and retained the right to approve candidates for admission.

The Roman Catholic Church faced significant restrictions on the training and ordination of priests and bishops. The Government effectively maintained veto power over Vatican appointments of bishops; however, in practice it showed a willingness to discuss appointments with the Vatican. In August, two new Catholic bishops were appointed with government approval. One was appointed to the diocese of Hung Hoa, a position that had been vacant for over 11 years. With these appointments, only one bishopric remained unfilled, due to the incumbent's death in June. In October, the Government also tacitly recognized the elevation of Archbishop Jean-Baptiste Pham Minh Man to Cardinal. In recent years, the Government eased its efforts to control the Roman Catholic hierarchy by relaxing the requirements that all clergy belong to the government-controlled Catholic Patriotic Association. The Catholic Church operated 6 seminaries; however, due to objections to the proposed location by local authorities, an additional centrally approved seminary had not opened by year's end. The Catholic Church also received permission to accept new seminarians but only every other year. Over 800 students were enrolled nationwide at year's end. The local People's Committee must approve all students, both upon entering the seminary and prior to their ordination as priests. Some seminary graduates remained unordained as long as 10 years. Most observers believed that the number of ordained priests was insufficient to support the growing Catholic population.

The authorities strictly controlled Hoa Hao "dissidents" and kept several church followers in jail. On March 27, Nguyen Van Lia was arrested, and, on July 1, he was sentenced to 3 years' imprisonment for holding a commemoration of the disappearance of

Hoa Hao prophet Huynh Phu So. Other Hoa Hao believers were allowed more freedom to practice their faith. Between 100 and 200 visitors worshipped at the central Hoa Hao Pagoda in An Giang Province on a daily basis. Police authorities routinely questioned some persons who held alternative religious or political views, such as UBCV monks.

Since 1975 the Government had prohibited ordination into the Cao Dai priesthood; however, in 2002, at least 18 new priests were ordained and 924 apprentices entered the process leading to priesthood. Some other priests were promoted to higher ranks.

Muslim Association members were able to practice their faith, including daily prayer and fasting during the month of Ramadan.

The Government restricted and monitored all forms of public assembly, including assembly for religious activities. Large regularly scheduled religious gatherings were allowed, such as the Catholic celebrations at La Vang and the Cao Dai celebrations in Tay Ninh Province. The Hoa Hao also was allowed to hold large public gatherings to commemorate some traditional anniversaries but not others. Some specially scheduled religious gatherings also were allowed; however, in December 2002, there were reports that police in Lai Chau Province attempted to disperse one or more gatherings of Hmong Christians. Police reportedly used a gas--possibly pepper spray--during at least one of these actions, leading to the hospitalization of four or more persons.

Open adherence to a religious faith generally did not disadvantage persons in civil, economic, and secular life, although it likely would prevent advancement to the highest government and military ranks. Avowed religious practice was no longer even a bar to membership in the CPV. Some government and CPV officials increasingly admitted that they followed traditional and Buddhist religious practices.

Foreign missionaries may not operate as religious workers in the country, although many undertake humanitarian or development activities with the approval of the Government.

A government publishing house oversees the publishing of all religious materials. Many Buddhist sacred scriptures, Bibles, and other religious texts and publications, including some in ethnic minority languages, were also printed by government-approved organizations to be sold or distributed at religious institutions.

The Government allowed religious travel for some, but not all, religious persons; Muslims were able to take the Hajj (although apparently none did during the year due to lack of foreign financial support), and more Buddhist, Catholic, and Protestant officials were able to travel and study abroad. The Government allowed many bishops and priests to travel freely within their dioceses and allowed greater, but still restricted, freedom for travel outside these areas, particularly in many ethnic areas. Many Protestant house church leaders traveled overseas during the year. Government officials discouraged officially recognized clergy from entering Son La, Lai Chau, and some other border provinces, where officials have claimed that there were no religious adherents of any kind. In March, several hundred Hao Hoa believers traveled to the Hoa Hao Pagoda in An Giang Province to commemorate a traditional anniversary that the Government refused to recognize officially. In July 2002, as many as 300,000 persons traveled there to celebrate another traditional anniversary, which the Government does recognize.

Persons who were religious practitioners in a non-State recognized group sometimes were not approved for foreign travel. In 2002, UBCV monk Thich Thai Hoa in Hue was refused permission to travel outside the country on several occasions. Protestant pastors Nguyen Lap Ma and Nguyen Nhat Thong were restricted from traveling or had to request permission from authorities to travel (see Section 2.d.).

Ethnic minority, unregistered Protestant congregations in the Central Highlands and in the northwest provinces continued to suffer severe abuses. Certain northwest provinces reportedly did not have any officially recognized churches or pagodas. Authorities in those areas also reportedly detained and imprisoned ethnic minority worshipers for practicing their faith, citing their lack of officially recognized status.

Several reports described a systematic campaign on the part of local officials in Dak Lak and Gia Lai Provinces in the Central Highlands in particular to force ethnic minority Protestants to renounce their faith. Similar campaigns continued to be reported during the year in Lai Chau, Lao Cai, and other mountainous northern provinces. Under threat of physical abuse or confiscation of property, some ethnic minority Protestants allegedly were made to sign a formal, written renunciation or to undergo a symbolic ritual, which included reportedly drinking rice whiskey mixed with animal blood. Others refused, often with no known negative repercussions. Officials reportedly ordered many non-recognized Protestant gatherings to cease, forbade some pastors from traveling, withheld government food distributions from Protestant believers, and prohibited children of Protestant families from attending school beyond the third grade. Soldiers and young party cadre reportedly moved into the homes of some ethnic minority persons in the Central Highlands, interfering with their ability to worship.

For a more detailed discussion, see the [2003 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2003/27794pf.htm).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides that citizens "shall enjoy freedom of movement and of residence within the country...(and) freely

travel abroad and return home...in accordance with the provisions of the law"; however, the Government imposed some limits on freedom of movement. Most citizens enjoyed freedom of movement within the country, but some local authorities required some members of ethnic minority groups to obtain permission to travel outside certain highland areas, including in some cases any travel outside their own villages.

Reportedly local officials informally discouraged clergy from traveling, even within their own provinces. Officially, citizens had to obtain permission to change their residence (see Section 1.f.). In practice, many persons continued to move without approval, especially migrant or itinerant laborers moving from rural areas to cities in search of work; however, moving without permission restricted their ability to obtain legal residence permits. Holders of foreign passports by law must register to stay in private homes. In practice, most visitors from overseas were allowed to stay with family and friends without registering. Citizens are also required to register with local police when they stay overnight in any location outside of their own homes (see Section 1.f.).

The Government employed internal isolation under the decree on administrative detention to restrict the movement of political and religious dissidents. Until June, authorities confined UBCV Deputy Thich Quang Do to his living quarters under an administrative detention order. His telephone lines were cut, and he was unable to receive visitors (see Section 2.c.).

Some persons were held under conditions resembling house arrest without known legal documentation. After a meeting in Binh Dinh Province in October, many leaders of the banned UBCV, including Patriarch Thich Huyen Quang and Deputy Head Thich Quang Do, were returned to their respective pagodas in the central and southern parts of the country and informed that they would not be able to travel without government approval (see Section 2.c.). Until April, Thich Huyen Quang had been confined to a pagoda in Quang Ngai Province, but was able to receive a limited number of visitors. He was permitted to seek medical treatment in Hanoi, meet with government officials and foreign diplomats, travel to various UBCV-related temples, and meet with numerous followers. Protestant pastor Nguyen Lap Ma has been forced to reside in an isolated village in Can Tho Province since 1982, but authorities have allowed him to travel to Ho Chi Minh City for monthly medical check-ups since he suffered a stroke in 1998. Another Protestant pastor, Nguyen Nhat Thong, has been forced to reside in a remote village in Binh Thuan Province since 1979. He has been allowed to travel outside the village since 1986 but must ask for the permission of local authorities each time.

Foreigners generally were free to travel throughout the country, except in areas restricted on grounds of national security. The Government retained the right to approve travel to border areas and to some islands, but in practice foreigners could travel to most non-sensitive border areas without prior approval. On several occasions, local police detained and fined foreigners who police found had ventured too close to international borders and other sensitive military areas. Some of these areas were unmarked.

Although the Government no longer required citizens traveling abroad to obtain exit or reentry visas, the Government sometimes prevented persons from traveling by refusing to issue passports. In July 2002, the Government stopped issuing passports stamped Dinh Cu (immigration) to persons intending to emigrate. The Government did not allow some persons who publicly or privately expressed critical opinions on religious or political issues to travel abroad. The Government also prevented actor Don Duong from traveling abroad for periods of time during the year. In 2002, authorities confiscated his passport; however, on April 9, he was allowed to emigrate to the U.S.

Citizens' access to passports sometimes was constrained by factors outside the law, such as bribery and corruption. Refugee and immigrant visa applicants sometimes encountered local officials who arbitrarily delayed or denied passports based on personal animosities, on the officials' perception that an applicant did not meet program criteria, or to extort a bribe. Some Protestant pastors who had served time in reeducation camps were denied passports on the grounds that they had no residence permits or national identification cards. Some family members of ethnic minorities granted refugee status abroad have been reissued household registration papers with the missing member removed. Other family members of refugees have been unable to obtain passports to reunite abroad.

The United States continued to process immigrants and refugee applicants for admission and resettlement, including Amerasians, former reeducation camp detainees, former U.S. government employees, family reunification cases, and returnees from camps of first asylum elsewhere in the region (under the Resettlement Opportunity for Vietnamese Returnees program). Most of these programs were closed to new applicants nearly a decade ago, with the number of cases in some categories now in the low double digits. (An exception was the Amerasian program, which remained opened to new applicants). The Government had constructive discussions with the United States on the future of these programs. There were concerns that some members of minority ethnic groups, such as those in the Central Highlands, may not have had ready access to these programs because the Government denied them passports. This was not the case for the program for the majority of former U.S. government employees and re-education camp detainees; however, delays in passport issuance to some Montagnards and some others who applied under the different refugee sub-programs continued. These passport applicants also included relatives of ethnic minority persons who fled the country in recent years and were admitted to the United States as refugees from Cambodia.

The Government generally permitted citizens, who had emigrated abroad, to return to visit. Officially, the Government considers anyone born in the country to be a citizen, even if they have acquired another country's citizenship, unless a formal renunciation of citizenship has been approved by the President. However, in practice, the Government usually treated overseas Vietnamese as citizens of their adopted country. Emigrants were not permitted to use Vietnamese passports after they acquired other citizenship; however, because citizens who lived overseas were considered both a valuable potential source of foreign

exchange and expertise for the country but also a potential security threat, the Government generally encouraged them to visit but sometimes monitored them carefully.

In early 2001, over 1,000 Montagnards from the Central Highlands fled to Cambodia following a crackdown by security forces. The crackdown followed demonstrations complaining of expropriation of traditional lands, influx of lowland ethnic majority Kinh into the Central Highlands, and religious discrimination. A tripartite agreement on the Montagnards' repatriation among the Governments of Vietnam and Cambodia and the U.N. High Commissioner for Refugees (UNHCR) was abandoned by UNHCR after the Government restricted access and attempted to intimidate and pressure Montagnards in the UNHCR camps to return. In June 2002, an official acknowledged that the country's leadership had made mistakes and was in part responsible for the turmoil in the Central Highlands. Subsequently, the Government declared it would award each minority family in the Central Highlands at least one hectare of land for farming and 400 square meters for housing; however, the Government has administered the program unevenly, and ethnic minority persons complained that local officials allotted them mostly undesirable lands. Dozens more fled the country during the year, also seeking refugee status.

During the year, there were credible reports that ethnic minority persons fleeing the country were arrested or turned back at the Cambodian border, sometimes violently. A small number were reported to be in hiding on both sides of the border.

Foreign diplomats and journalists visited 15 UNHCR-sponsored returnees in September. While the returnees complained about poor economic conditions and the failure of the UNHCR to implement certain promises, they did not claim to have been singled out for any special harassment due to their status. In 2002, there were credible reports that non-uniformed security forces crossed the border to try to capture and return many of those who had fled after the 2001 unrest. These reports indicated that security forces succeeded in forcibly returning approximately 50 persons to Dak Lak Province. They reportedly returned another eight persons to Gia Lai Province. Gia Lai authorities reportedly placed two of the returnees in jail and the other six under administrative probation. Family members reported the disappearances of at least 42 ethnic minority persons from Gia Lai Province. Most of those who fled and were placed under the protection of the UNHCR were subsequently resettled from Cambodia to a third country.

The country is not a signatory to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally provided protection against refoulement but did not routinely grant refugee or asylum status. Several embassies in the country reported that individuals claiming to be North Korean, who requested asylum in the country, have been returned to China on the basis of illegal immigration status and their own claims to have entered the country overland from China.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution does not provide the right for citizens peacefully to change their government, and citizens could not freely choose and change the laws and officials that govern them. CPV control over the selection of candidates in elections for the National Assembly, the presidency, the prime ministership, and local government undermines this right. All authority and political power is vested in the CPV, and the Constitution delineates the leadership of the CPV. Political opposition movements and other political parties are illegal. The CPV Politburo is the supreme decision-making body in the nation, although it technically reports to the CPV Central Committee. During the first session of the Ninth Congress of the CPV in April 2001, the CPV replaced the standing board, consisting of the 5 most senior members of the Politburo, with a Secretariat, originally consisting of the General Secretary, 4 lower ranking Politburo members, and 4 non-Politburo Central Committee members but now with a total of at least 11 members, to oversee day-to-day implementation of leadership directives.

The Government continued to restrict public debate and criticism to certain aspects of individual, state, or party performance determined by the CPV itself; however, legislators continued to question and criticize ministers in bi-annual National Assembly sessions that were broadcast live on television. No public challenge to the legitimacy of the one-party State is permitted; however, there were instances of unsanctioned letters critical of the Government from private citizens, including some former party members, which circulated publicly.

The Government strongly encouraged eligible citizens to vote in elections. Although voting is not compulsory, election officials applied many means to persuade citizens to vote, including using public address systems to ask late voting citizens by name to come to the polls. The Government claimed a 99.73 percent voter turnout for the May 2002 National Assembly election. Proxy voting, while illegal, appeared widespread. In addition, most voting was over by 10:00 a.m., although polls were required to be open until 7:00 p.m. The party-controlled VFF approved all candidates for the 498-member assembly.

The National Assembly, although subject to the control of the CPV (all of its senior leaders and 90 percent of its members were party members), increasingly served as a forum for the expression of local and provincial concerns and as a critic of corruption and inefficiency. However, it does not initiate legislation and never has passed legislation that the CPV opposed. CPV officials occupied most senior government and National Assembly positions and continued to have the final say on key issues. In 2002, the National Assembly debated the government's cabinet nominations; although it approved all of the nominations, more than 30 percent of the delegates voted against some nominees. During the year, the National Assembly continued to engage in public debate on economic, legal, and social issues. It also continued to exert its increasing power to revise or reject draft laws and actively pursued enhancing its capability to draft laws.

The law provides the opportunity for equal participation in politics by women and minority groups. Women held a number of

important government positions, including the Vice Presidency. There were 136 women in the 498-seat National Assembly; there were 3 women at the Ministerial level; and there were no women in the Politburo. There were only a few women in provincial level leadership positions.

There were 87 ethnic minority members in the 498-seat National Assembly and 2 ethnic minority members serving in cabinet-level positions. The CPV General Secretary is a member of the Tay ethnic minority group; however, the number of minorities in Government or national-level politics does not accurately reflect their percentage of the population.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not permit private, local human rights organizations to form or operate. The Government generally did not tolerate attempts by organizations or individuals to comment publicly on government human rights practices and used a wide variety of means to suppress domestic criticism of its human rights policies, including surveillance, limits on freedom of assembly, interference with personal communications, and detention. However, the SECV and Catholic Church did not suffer any apparent adverse consequences from widely publicized letters to the Government criticizing alleged acts of religious oppression toward ethnic minorities in the Central Highlands. UBCV Deputy Thich Quang Do also sent a widely publicized letter to the Government condemning the detention of former UBCV monk Thich Tri Luc (see Section 1.b.).

The Government generally prohibited private citizens from contacting international human rights organizations, although some activists were able to do so. The Government did not allow any visits by international NGO human rights monitors; however, it did allow a representative from the UNDP to visit the Central Highlands in August and a UNHCR local official to visit in September. The Government criticized almost all public statements on human rights issues by international NGOs and foreign governments.

The Government generally was willing to discuss human rights problems bilaterally with some governments if such discussions took place under the rubric of "exchanges of ideas" rather than as "investigations." During the year, several foreign governments held official talks concerning human rights. A delegation of representatives from European Union member countries visited Dak Lak Province in June and reported that there were limits on citizens' religious freedom.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on gender, ethnicity, religion, or social class; however, enforcement of these prohibitions was uneven. Some persons formerly interned in reeducation camps on the basis of association with the pre-1975 government continued to report varying levels of discrimination as they and their families sought access to housing, education, and employment. Some military veterans of the pre-1975 government still faced economic hardship as a result of past employment restrictions and discrimination, but none were known still to be incarcerated for their activities before 1975. These veterans and their families generally were unable to obtain employment with the Government. This prohibition was less restrictive than in previous years because of the growth of job opportunities in the private sector. There was no official discrimination against HIV/AIDS positive citizens; however, there was some societal discrimination.

Women

The law addresses the problem of domestic violence; however, authorities did not enforce the law effectively. Officials increasingly acknowledged domestic violence, which also was discussed more openly in the media. International NGO workers and local contacts reported that domestic violence against women was common. Approximately two-thirds of divorces reportedly were due in part to domestic violence. The divorce rate has risen in the past few years, but many women remained in abusive marriages rather than confront the social and family stigma and economic uncertainty of divorce.

Under the Criminal Code, it is a crime to use violence, threaten violence, take advantage of a victim who is unable to act in self-defense, or resort to trickery to have sexual intercourse with a victim against that person's will. This is believed to criminalize rape, spousal rape, and, in some instances, sexual harassment; however, there were no known instances of prosecution for spousal rape. NGOs and party-controlled mass organizations took some limited steps to establish shelters and train police to deal with domestic violence.

Prostitution is officially illegal but appeared to be tolerated widely. Some women were coerced to work as prostitutes, and some were victimized by false promises of lucrative work (see Section 6.f.). Many more women felt compelled to work as prostitutes because of poverty and a lack of other employment opportunities. NGOs estimated that there were 300,000 prostitutes in the country, including those who engaged in prostitution part-time or seasonally. There were reports that some persons in Ho Chi Minh City addicted young women to heroin and forced them to work as prostitutes to earn money for drugs. Parents often expected an eldest daughter to assume responsibility for a significant part of a family's finances. There were reports that some parents coerced daughters into prostitution or made such extreme financial demands on them that they felt compelled to engage in prostitution. The Women's Union, a mass organization under the VFF, as well as international NGOs engaged actively in education and rehabilitation programs to combat these abuses.

Trafficking in women for the purpose of sexual exploitation, both domestically and internationally, was a serious problem (see

Section 6.f.).

While there is no legal discrimination, women faced deeply ingrained societal discrimination. Despite provisions in the Constitution, in legislation, and in regulations that mandate equal treatment, and although some women occupied high government posts, few women competed successfully for higher status positions. The Constitution provides that women and men must receive equal pay for equal work; however, the Government did not adequately enforce this provision. Very poor women, particularly in rural areas but also in cities, performed menial work in construction, waste removal, and other jobs for extremely low wages. Despite the large body of legislation and regulations devoted to the protection of women's rights in marriage as well as in the workplace, and Labor Code provisions that call for preferential treatment of women, women did not always receive equal treatment. Nevertheless, women played an important role in the economy and were engaged widely in business and in social and educational institutions. Opportunities for young professional women have increased markedly in the past few years, with greater numbers of women entering and staying in the civil service, universities, and the private sector.

The VFF-controlled Women's Union has a broad agenda to promote women's rights, including political, economic, and legal equality, and protection from spousal abuse. The Women's Union operated micro-credit consumer finance programs and other programs to promote the advancement of women. International NGOs and other international organizations regarded the Union as effective, but they and Women's Union representatives believed that more time is required to overcome societal attitudes that relegated women to lower status than men. The Government also has a committee for the advancement of women, which coordinated inter-ministerial programs that affected women.

Children

International organizations and government agencies reported that, despite the Government's promotion of child protection and welfare, children continued to be at risk of economic exploitation. While education is compulsory through the age of 14, the authorities did not enforce the requirement, especially in rural areas where government and family budgets for education were strained and where children were needed for agricultural labor. The culture's strong emphasis on education led parents who could send children to school to do so, rather than to allow them to work. Due to lack of classroom space, most schools operated two sessions, and children attended either morning or afternoon sessions. Some street children both in Ho Chi Minh City and Hanoi participated in night education courses. The public school system includes 12 grades. Over 90 percent of children attended elementary grades, but the percentage that attended junior and senior high school dropped sharply. These percentages were even lower in remote mountainous areas, although the Government ran a system of subsidized boarding schools through the high school level for ethnic minority students. Religious groups operated some orphanages, despite the Government's prohibition on such activities, and sent the children to public schools during the day.

The Government continued a nationwide immunization campaign, and the government-controlled press regularly stressed the importance of health and education for all children. While reports from domestic sources indicated that responsible officials generally took these goals seriously, concrete actions were constrained by severely limited budgets. According to UNICEF, despite growth in incomes over the past decade, severe malnutrition remained a problem; approximately 39 percent of children under 5 years of age were underweight during the 1995-2000 timeframe.

Widespread poverty contributed to continued child prostitution, particularly of girls but also of some boys, in major cities. Many prostitutes in Ho Chi Minh City were under 18 years of age. Some child prostitutes, such as those from abusive homes, were forced into prostitution for economic reasons, having few other choices available to them.

Some children were trafficked domestically and others were trafficked to foreign destinations for the purpose of sexual exploitation. Press reports documented the conviction and imprisonment of a number of traffickers (see Section 6.f.). Individuals also were convicted in cases in which parents received payments in exchange for releasing their babies for adoption. Mass organizations and NGOs established limited programs to assist trafficked children to reintegrate into society.

According to a 2001 government report on child labor, there were 20,000 street children in the country. Street children were vulnerable to abuse and sometimes were abused or harassed by police. International NGOs documented numerous cases of Cambodian children trafficked to Ho Chi Minh City for short-term work in begging rings. Police picked up street children in Hanoi and Ho Chi Minh City and held them in juvenile detention facilities in advance of the December Southeast Asia Games.

Persons with Disabilities

The law requires the State to protect the rights and encourage the employment of persons with disabilities. However, provision of services to assist persons with disabilities was limited. Government agencies responsible for services to persons with disabilities worked with domestic and foreign organizations to provide protection, support, physical access, education, and employment; however, implementation was hampered by limited budgets. The Government operated a small network of rehabilitation centers to provide long-term in-patient physical therapy.

Educational opportunities for children with disabilities were poor, but improving. Just over 10 percent of children with disabilities were enrolled in school. During the year, the Government worked with the World Bank and foreign NGOs to train additional teachers for students with disabilities.

The law provides for preferential treatment of firms that recruit persons with disabilities for training or apprenticeship and levies a special tax on firms that do not employ workers with disabilities; however, the Government enforced these provisions unevenly. In 2002, the Ministry of Construction enacted the "Barrier-Free Design and Construction Code" and "Standards for Access for People with Disabilities," which requires that the construction or major renovation of new government and large public buildings include access for people with disabilities. The Ministry of Construction trained architects and engineers in the new requirements. At year's end, the Government was developing an enforcement and compliant process to support these new codes.

International groups also assisted the Government in implementing programs to increase access by persons with disabilities to education and employment.

National/Racial/Ethnic Minorities

Although the Government officially is opposed to discrimination against ethnic minorities, longstanding societal discrimination against ethnic minorities was widespread. In addition, there continued to be credible reports that local officials sometimes restricted ethnic minority access to some types of employment and educational opportunities. The Government continued to implement policies designed to narrow the gap in the standard of living between ethnic groups living in the highlands and richer, lowland ethnic majority Kinh by granting preferential treatment to domestic and foreign companies that invested in highland areas. The Government ran special schools for ethnic minorities in many provinces, including subsidized boarding schools at the high school and middle school levels, and offered special admission and preparatory programs as well as scholarships at the university level.

The Government resettled some ethnic minorities from inaccessible villages in mountainous provinces to locations where basic services were easier to provide; however, the effect of the policy sometimes diluted the political and social solidarity of these groups. The Government acknowledged that one of the goals of resettlement was to impel the minorities to change from traditional "slash and burn" agricultural methods to sedentary agriculture. This also had the effect of making more land available to ethnic majority Kinh migrants to the mountainous areas. Large-scale, government-encouraged as well as spontaneous migration of ethnic Kinh to the Central Highlands diluted the indigenous culture there. It also led to numerous land disputes between ethnic minority households and ethnic Kinh migrants. The loss of traditional ethnic minority lands to Kinh migrants was an important factor behind the ethnic unrest in 2001.

There were numerous credible reports that groups of Montagnards continued to flee to Cambodia to escape ethnic and religious repression in the Central Highlands. Government officials continued to harass some highland minorities, particularly the Hmong in the northwest provinces and several ethnic groups in the Central Highlands, for practicing their Protestant religion without official approval (see Section 2.c.).

Government officials stated that there were many instances in which local government officials in the Central Highlands acted contrary to stated national policies or failed to uphold national laws. During the year, the CPV reiterated clearly the party's policies on ethnic minorities, religion, and land.

The Government continued to impose extra security measures in the Central Highlands. There were unconfirmed reports of continued pushbacks of Montagnards seeking to cross into Cambodia, sometimes accompanied by beatings and detentions; however, the Government continued to implement measures to address the causes of the unrest and initiate new measures as well. The Government allocated land to ethnic minorities in the Central Highlands through a special program; however, there were complaints that some of the allocated land was poor (see Section 2.d.).

Previously, the law required all classroom instruction law to be conducted in the Vietnamese language; however, the Government continued a program to conduct classes in some local ethnic minority languages up to grade five. The Government worked with local officials to develop a local language curriculum. The Government appeared to be implementing this program more comprehensively in the Central Highlands than in the mountainous northern provinces. The Government broadcast radio and television programming in ethnic minority languages in some areas. The Government also instructed ethnic Kinh officials to learn the language of the locality in which they worked; however, implementation was not widespread by year's end. Provincial governments implemented initiatives designed to increase employment, reduce the income gap between ethnic minorities and ethnic Kinh, and be sensitive and receptive to ethnic minority culture and traditions. Officials in Lam Dong Province reportedly hired ethnic minority persons to teach minority languages to ethnic Kinh police. Officials in Dak Lak Province reportedly experimented with a land policy that would allocate certain forestlands to ethnic minority villages for communal use.

Section 6 Worker Rights

a. The Right of Association

Workers are not free to join or form unions of their choosing. Trade unions are controlled by the Party and have only nominal independence. All unions must be approved by and must affiliate with the party-controlled Vietnam General Confederation of Labor (VGCL). The VGCL claimed that it represented 95 percent of public sector workers and 90 percent of workers in state-owned enterprises. However, the overall level of unionization of the workforce was 10 percent. Approximately 500,000 union members worked in the private sector, including enterprises with foreign investment. The vast majority of the work force lived in

rural areas, engaged in small-scale farming, and was not unionized.

The VGCL asserted that authorities did not prosecute some violations of the Labor Law. Union leaders influenced key decisions, such as the amendment of labor legislation, development of social safety nets, and the setting of health, safety, and minimum wage standards.

While the Labor Law states that all enterprise-level and professional trade unions are affiliated with the VGCL, in practice hundreds of unaffiliated "labor associations" were organized at many individual enterprises and in occupations such as those of taxi, motorcycle and cyclo drivers, cooks, and market porters. The ILO and the UNDP cooperated on a large multiyear technical assistance program to strengthen labor law implementation.

The Labor Law prohibits anti-union discrimination on the part of employers against employees who seek to organize.

Individual unions legally are not free to affiliate with, join, or participate in, international labor bodies, and they did not do so in practice. However, the VGCL had relations with 95 labor organizations in 70 countries.

b. The Right to Organize and Bargain Collectively

Under the law, the provincial or metropolitan branch of the VGCL was responsible for organizing a union within 6 months of establishment of any new enterprise. Management is required by law to accept and to cooperate with those unions. The Labor Law provides VGCL-affiliated unions the right to bargain collectively on behalf of workers. Many contracts have been negotiated that ended the practice of annual renewal, and multi-year contracts have become more common. Under 2002 amendments to the Labor Code, a definite term labor contract can only be renewed once; thereafter, an indefinite term labor contract must be entered into if employment is to continue. Labor leaders have increased the number of workplace issues in collective bargaining agreements, such as Sunday work. Since the country began moving away from central planning, market forces have played an increasingly important role in determining wages.

The Labor Law provides for the right to strike if workers follow the stipulated process of conciliation and arbitration. The law requires that management and labor first attempt to resolve labor disputes through the enterprise's own labor conciliation council. However, many enterprises did not have labor conciliation councils. In the absence of such a council or if a council fails to resolve a labor dispute, the dispute is referred to labor arbitration successively at the district and provincial level. Individual workers may take cases directly to the peoples' court system, but in most cases, only after conciliation has been attempted and failed. Unions have the right to appeal decisions of provincial labor arbitration councils to provincial people's courts or to strike. Because this process was lengthy and the necessary dispute resolution bodies in many provinces and localities have never been established, nearly every strike was considered illegal.

According to the Ministry of Labor, 72 strikes took place in the first 6 months of the year. Of these, 51 were against foreign-invested enterprises, 18 involved domestic private enterprises, and 3 affected state-owned firms. Other sources reported 14 strikes against state-owned firms. For example, from September 27 to 29, nearly 400 workers at a company in Ho Chi Minh City blocked the entrance to the factory over unpaid salaries. On September 28, 300 workers demonstrated at another Ho Chi Minh City factory to protest harsh working conditions. Although strikes typically did not follow the authorized conciliation and arbitration process, and thus were of questionable legality, the Government tolerated them and took no action against the strikers. Although the VGCL or its affiliate unions did not sanction these strikes officially, the local and provincial levels of the VGCL unofficially supported many of them. The Labor Law prohibits retribution against strikers, and there were no reports of retribution. In some cases, the Government disciplined employers for illegal practices that led to strikes.

The Labor Law prohibits strikes in 54 occupational sectors and businesses that serve the public or are considered by the Government to be important to the national economy and defense. A subsequent decree defined these enterprises to be those involved in: Electricity production; post and telecommunications; railway, maritime, and air transportation; banking; public works; and the oil and gas industry. The law also grants the Prime Minister the right to suspend a strike considered detrimental to the national economy or public safety.

The same labor laws as in the rest of the country govern the growing number of export processing zones and industrial zones. There is anecdotal evidence that the Government enforced labor laws more actively in the zones than outside them.

c. Prohibition of Forced or Bonded Labor

The Labor Law prohibits all forms of forced and bonded labor, including by children; however, there were reports that thousands of children worked in exploitative situations (see Section 6.d.). Some women were coerced into prostitution (see Sections 5 and 6.f.).

The Government denied the use of prison labor without compensation; however, prisoners routinely were required to work for little or no pay. They produced food and other goods used directly in prisons or sold on local markets reportedly to purchase items for prisoners.

A government ordinance requires all male citizens between 18 and 45 years of age and women between 18 and 35 years of age to perform 10 days of annual public labor; however, this ordinance was rarely enforced. The ordinance also allows citizens to find a substitute or pay a marginal fee instead of working.

d. Status of Child Labor Practices and Minimum Age for Employment

Child labor was a problem. The Labor Law prohibits most child labor but allows exceptions for certain types of work. The law sets the minimum age for employment at 18 years of age, but enterprises may hire children between the ages of 15 and 18 if the firm obtains special permission from their parents and the Ministry of Labor, Invalids, and Social Affairs (MOLISA). In June, the Government ratified the ILO Minimum Age Convention 138. However, a widely publicized 2001 MOLISA survey found that about 40,000 children between the ages of 8 and 14 years worked part-time or full-time in violation of the Labor law. That estimate may be low, since many more children worked in the informal sector, usually on family farms or family businesses not within the scope of the Labor Law.

By law, an employer must ensure that workers under 18 years of age do not undertake hazardous work or work that would harm their physical or mental development. Prohibited occupations are specified in the Labor Law. The Labor Law permits children to register at trade training centers, a form of vocational training, from 13 years of age. Children may work a maximum of 7 hours per day and 42 hours per week and must receive special health care.

There were reports that enterprises, including companies with foreign investment, have discovered underage workers in their employ. According to reliable sources, this usually occurred when the child workers presented false identity documents, frequently borrowed from older family members. Once discovered, the children lost their jobs, but in many cases the companies paid for their schooling and promised to reemploy them once they were of age.

In rural areas, children worked primarily on family farms and in other agricultural activities. In some cases, they began work as young as 6 years of age and were expected to work as adults by the time they were 15 years of age. In urban areas, children also may work in family-owned small businesses. Migration from rural to urban settings has exacerbated the child labor problem. Officials said that juveniles in Education and Nourishment Centers, which functioned much as reform schools or juvenile detention centers do elsewhere, were assigned work for "educational purposes" that presumably generated income for the school.

A study of child labor in Ho Chi Minh City found cases in which parents in poor families entered into "verbal agreements" with employers, who put their children to work; the children's salaries were sent directly to the parents.

Government officials have the power to fine and, in cases of Criminal Code violations, prosecute employers who violate child Labor Laws. While the Government committed insufficient resources to effectively enforce laws providing for children's labor safety, especially for children working in mines and as domestic servants, it detected some cases of child exploitation, removed the children from the exploitative situations, and fined the employers. International donor assistance targeted the problem of child labor. In addition, a child labor unit was established within MOLISA.

The law prohibits forced and bonded labor by children; however, thousands of children worked in exploitative situations and were trafficked both domestically and internationally for the purpose of sexual exploitation (see Section 6.f.).

e. Acceptable Conditions of Work

The Labor Law requires the Government to set a minimum wage, which is adjusted for inflation and other economic changes. The official monthly minimum wage for foreign-investment joint ventures was \$40 (626,000 dong) in urban districts of Hanoi and Ho Chi Minh City; \$35.90 (556,000 dong) in rural districts of Hanoi, Ho Chi Minh City, and districts of Hai Phong, Bien Hoa City, and Vung Tau City; and \$31.40 (487,000 dong) elsewhere. The Government may temporarily exempt certain joint ventures from paying the minimum wage during the first months of an enterprise's operations or if the enterprise is located in a very remote area, but the minimum wage in these cases can be no lower than \$29.90 (417,000 dong). On January 1, the official monthly minimum wage of the State sector was increased to \$18.80 (290,000 dong) from \$13.60 (210,000 dong). This amount remained inadequate to provide a worker and his family a decent standard of living. The new salary policy benefited over 6 million persons, including 300,000 public servants working in administration, CPV organizations, unions, and leagues. However, state-owned enterprises consistently paid more than that minimum wage. The number of workers who received government-subsidized housing decreased. Many workers received bonuses and supplemented their incomes by engaging in entrepreneurial activities. Households frequently included more than one wage earner. A 2001 ILO study found that minimum wage requirements were applied well in all sectors, with the exception of smaller private sector enterprises. Unlike in previous years, there were no reports that companies with foreign investment violated minimum wage requirements.

The Government set the workweek for government employees and employees of companies in the state sector at 40 hours and encouraged the private business sector and foreign and international organizations that employed local workers to reduce the number of hours in the workweek to 40 hours but did not make compliance mandatory.

The Labor Law sets normal working hours at a maximum of 8 hours per day, with a mandatory 24-hour break each week. Additional hours require overtime pay at 1½ times the regular wage, 2 times the regular wage on weekly days off, and 3 times

the regular wage on holidays and paid leave days. The law limits compulsory overtime to 4 hours per week and 200 hours per year. Amendments to the Labor Law in 2002 provide for an exception in special cases where this maximum can be up to 300 additional hours worked annually, subject to stipulation by the Government after consulting with the VGCL and employer representatives. The law also prescribes annual leave with full pay for various types of work. It was unknown how well the Government enforced these provisions.

According to the law, a female employee who is engaged, pregnant, on maternity leave, or is raising a child under 1 year of age cannot be dismissed unless the enterprise is closed. Female employees who are at least 7 months pregnant or are raising a child under 1 year of age cannot work overtime, at night, or in distant locations.

The Labor Law requires the Government to promulgate rules and regulations that ensure worker safety. The MOLISA, in coordination with local people's committees and labor unions, is charged with enforcing the regulations. In practice enforcement was inadequate because of MOLISA's low funding and a shortage of trained enforcement personnel. The VGCL reported that there were 300 labor inspectors in the country but that at least 600 were needed. On-the-job injuries due to poor health and safety conditions in the workplace were a problem. According to statistics from MOLISA, there were 4,521 injuries and 514 fatalities resulting from accidents in 2002; however, there was evidence that workers, through labor unions, were effective in improving working conditions. Some foreign companies with operations in the country have established independent monitoring of problems at their factories. Companies reported that MOLISA or provincial labor agencies performed labor and occupation safety and health inspections at enterprises when they learned of serious accidents or when there were reports of hazardous conditions.

The Labor Code provides that workers may remove themselves from hazardous conditions without risking loss of employment.

f. Trafficking in Persons

The Penal Code prohibits trafficking in women and children; however, trafficking in women and children for the purpose of sexual exploitation and for labor, both domestically and internationally, was a serious problem. While no law specifically prohibits trafficking in men, existing laws could be used to prosecute traffickers who recruit or send men abroad to work for "illegitimate profits" or illegal purposes. While reliable statistics on the numbers of citizens trafficked were not available, there was evidence that the numbers have grown in recent years. The Social Evils Department of MOLISA and the Criminal Police Department of the MPS were the main government agencies involved in efforts to combat trafficking, in cooperation with the Ministry of Justice, the Women's Union, and the Border Guards. The police took an increasingly active role in investigating trafficking during the year.

During the year, the Government increased its efforts to prosecute traffickers. The law provides for prison sentences of 2 to 20 years for each offense for persons found guilty of trafficking women, and for between 3 years and life in prison for each offense for persons found guilty of trafficking children. In July 2002, a government decree forbade the use of marriage and adoption for trafficking related purposes. Hundreds of traffickers have been convicted and imprisoned, most notably in one high-profile case in 2002 in which over 150 persons were indicted for prostitution and migrant smuggling. That particular case involved ex-ministerial and law enforcement agents. The Government worked with international NGOs to supplement law enforcement measures and cooperated with other national governments to prevent trafficking. It also cooperated closely with other countries within the framework of INTERPOL and its Asian counterpart.

The country was a source country for trafficking in persons. Women were trafficked primarily to Cambodia and China for sexual exploitation and arranged marriages. According to one report, between 1990 and 2000, approximately 20,000 young women and girls were sent to China to become brides, domestic workers, or prostitutes; however, it was not clear how many were victims of trafficking. Between 1995 and 2000, approximately 5,000 women and children were trafficked to and escaped from Cambodia. Some Vietnamese women also were trafficked to Singapore, Hong Kong, Macau, Thailand, Taiwan, the United Kingdom, and the United States. There also were reports that some Vietnamese women going to Taiwan, Hong Kong, Macau, and China through arranged marriages were victims of trafficking. The Government estimated that approximately 10 percent of Vietnamese women in arranged marriages with Chinese men had been recruited under false pretenses or may have become trafficking victims. Women and children also were trafficked within the country, usually from rural to urban areas. Incidents of trafficking of adult males domestically or abroad were rare. In the past, organized crime groups used Vietnam as a transit point for persons trafficked from China and the Middle East to Australia, Canada, and Europe. Unlike in previous years, there were no reports that Vietnam was a transit country for trafficking in persons during the year.

Some children were trafficked domestically and others were trafficked to foreign destinations for the purpose of prostitution. An NGO advocate estimated that the average age of trafficked girls was between 15 and 17 years of age. Some reports indicated that the ages of girls trafficked to Cambodia typically was even lower. Although statistics were not reliable, women and girls were trafficked from southern delta and highland provinces to Cambodia and from northern provinces into China generally for the purposes of prostitution, domestic work, or marriage.

Provincial and national-level authorities made combating trafficking in women and children a priority. In January, in an effort to deal with problems of trafficking of infants for adoption and corruption in adoption practices, authorities suspended foreign adoptions pending the negotiation of new bi-lateral adoption protocols.

There were reports that some women from Ho Chi Minh City and the Mekong Delta who married men from Taiwan were forced

into prostitution after their arrival in Taiwan. There was reported trafficking in women to the Macau Special Administrative Region of China with the assistance of organizations in China that were ostensibly marriage service bureaus, international labor organizations, and travel agencies. After arrival, women were forced into conditions similar to indentured servitude; some were forced into prostitution. In August 2002, the Government suspended the licenses of marriage mediation services and transferred their function to the Women's Union. The services helped arrange marriages between women and foreigners, primarily Taiwanese men. Diplomatic sources estimated that between 15,000 and 18,000 Vietnamese women married Taiwanese men each year, although government and NGO observers believed that most were not trafficked.

Poor women and teenage girls, especially those from rural areas, were most at risk for being trafficked. It appeared that most trafficking victims came from some Mekong Delta provinces, such as Can Tho and An Giang and some northern provinces, such as Quang Ninh. Some were sold by their families as domestic workers or for sexual exploitation. In some cases, traffickers paid families several hundred dollars (a large sum for many families) in exchange for allowing their daughter to go to Cambodia for an "employment offer." Many victims faced strong pressure to make significant contributions to the family income. Others were offered lucrative jobs by acquaintances. False advertising, debt bondage, confiscation of documents, and threats of deportation were other methods commonly used by the traffickers, spouses, and employers.

Individual opportunists and informal networks, as well as some organized groups, lured poor, often rural, women with promises of jobs or marriage and forced them to work as prostitutes (see Section 5). The Government stated that organized criminal groups were involved in recruitment, transit, and other trafficking-related activities.

Corruption was a serious problem at all levels, and some officials were involved in the flow of overseas workers into exploitative conditions or into trafficking. While it was likely that some individual officials assisted traffickers, there was no evidence of official, institutional, or government involvement in trafficking in persons. Unlike in previous years, there were no reports that government officials and associated private individuals were convicted of and sentenced for trafficking related crimes during the year.

Official institutions, including MOLISA, the Women's Union, the Youth Union and the Committee for Population, Family and Children, had active programs in place aimed at prevention and victims' protection. These programs included publicity to warn women and girls of these dangers, repatriation programs to help female returnees, and vocational training for teenage girls in communities considered vulnerable to trafficking in persons. Government agencies worked closely with the International Organization for Migration and a number of other international NGOs to provide temporary shelter, some medical services, education, credit, counseling, and rehabilitation to returned trafficking victims. In March 2002, government officials held a series of meetings with their Chinese counterparts to improve victim protection and repatriation processes. During the year, Government officials held similar meetings with the Cambodian Government. The country also participated in an ILO project on child trafficking in the Mekong region.

Although trafficking victims in general were not treated as criminals, some women trafficked into prostitution were prosecuted for prostitution or placed in rehabilitation centers.

Security agencies with border control responsibility have also received training in investigative techniques that can be used to prevent trafficking.